

b

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INQUIRY INTO THE PROVISION OF)	ADMINISTRATIVE
ENHANCED SERVICES IN KENTUCKY)	CASE NO. 338

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed September 3, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the stated prices, terms, and conditions applicable to specific MemoryCall Service Agreement arrangements on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell seeks to protect the stated prices, terms, and conditions applicable to specific MemoryCall Service Agreement arrangements. The arrangements reflect the unique terms and conditions available for large business subscribers who purchase certain quantities of mailboxes and commit to maintain service for extended periods of time. The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to

cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

MemoryCall is a voice messaging service offered by South Central Bell to its subscribers. It is a competitive service and the large business subscribers with heavy usage are the most highly competitive market being targeted by many voice messaging providers. Disclosure of prices, terms, and conditions offered to large business subscribers by South Central Bell would reveal to those competitors South Central Bell's marketing and pricing strategies as they relate to potential customers using various levels of South Central Bell's services. Competitors could use this information to selectively market their competitive services to the detriment of South Central Bell; and, therefore, the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

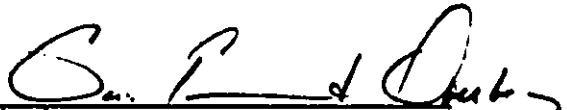
IT IS ORDERED that:

1. The stated prices, terms, and conditions applicable to specific MemoryCall Service Agreement arrangements, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. South Central Bell shall, within 10 days of the date of this Order, file edited copies of the information with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 30th day of September, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director